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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5609/2017**

SUMAN JHA

..... Petitioner

Through: Mr. Javed Ahmad and Ms. Aakriti
Aditya, Advs.

versus

HAMDARD PUBLIC SCHOOL AND ORS

..... Respondents

Through: Mr. Hitanshu Mishra, Advocate for
Mr. Yeeshu Jain, ASC for R-3
Mr. Satyakam, ASC (GNCTD) with
Mr. Pradyut Kashyap, Advocate

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

15.05.2024

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(The proceeding has been conducted through Hybrid Mode)

1. This is a writ petition under Article 226 of the Constitution of India, 1950, seeking *inter alia* the following reliefs:-

“(a) Issue a writ, order, direction in the nature of certiorari thereby quashing the Memorandum of Charges dated 4.5.2017 issued by the respondents illegally, arbitrarily, and unconstitutionally.

(b) Issue a writ of Certiorari quashing the wrong and illegal suspension order dated 8.3.2017 issued by respondents as the same involves absolutely wrong, false, vague and absurd charges against the petitioner not amounting to breach of Code of Conduct or Service Rules.



(c) Issue a writ of prohibition restraining the respondents from harassing and fermenting the petitioner.

(d) Pay cost to the petitioner for her harassment and mental agony.”

2. The petitioner by virtue of the present writ petition seeks a direction for setting aside the office memorandum of suspension dated 08.03.2017 and office memorandum of charges dated 04.05.2017 primarily on the ground that the same were issued in contravention to Section 8(4) of the Delhi School Education Act, 1973.

3. The said issue raised in the present writ petition is no more *res integra* in view of the law enunciated by learned Coordinate Bench of this Court in ***S.S. Tyagi vs. Ravindra Public School and Anr.*** reported in **2020 SCC OnLine Del 2084**.

4. Learned counsel for the respondent very fairly submits that as of now, the law laid down by this Court in ***S.S. Tyagi*** (*supra*) holds the field.

5. In view of the above, applying the ratio of ***S.S. Tyagi*** (*supra*), the writ petition is allowed.

6. The office memorandum of suspension dated 08.03.2017 and office memorandum of charges dated 04.05.2017 are quashed and set aside. However, the respondents shall be at liberty to take appropriate steps in accordance with law in respect of the original cause of action on which the impugned memorandum of suspension and memorandum of charge were issued.

7. Needless to say that the petitioner would be entitled to all consequential benefits as directed in the judgment of ***S.S. Tyagi***



(*supra*). The same be released to the petitioner within six weeks from today.

8. As a consequence of the aforesaid, the petitioner will be permitted to rejoin the services of the respondent.

9. The petition is disposed of with no order as to costs.

TUSHAR RAO GEDELA, J

MAY 15, 2024

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